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ABSTRACT

Navajo participation in labor unions and Navajo labor relations have undergone rapid and fundamental changes since the development of industry around Lake Powell and on Black Mesa. Early attempts to unionize Navajo workers met with stiff resistance from employees and the Navajo Tribal Council. Union entry into the Navajo Reservation was viewed as a threat to Navajo political power. In 1958, the Tribal Council passed resolutions making union operations on the Navajo Reservation unlawful. In 1961, unions attempted to hold a union election to bring Navajo and other workers at a uranium mill into several unions. The Tribal Council blocked the election, and a court case ensued which resulted in a U.S. Court of Appeals decision nullifying the Navajo Nation's legal right to outlaw union activities. In 1971, worker dissatisfaction led to the establishment of the Navajo Construction Workers Association and the eventual establishment of the Office of Navajo Labor Relations (ONLR). The ONLR has become the chief instrument in labor relations for the Navajo Nation. Cooperation between unions and the ONLR is generally close, and presently the ONLR works with all union locals in the vicinity of the Navajo Reservation. Interviews with Navajo workers and union representatives revealed that Navajos are becoming increasingly aware of the benefits of union membership. Therefore, union membership in the Navajo labor force is increasing rapidly. (Author/NQ)

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navajo participation in labor unions

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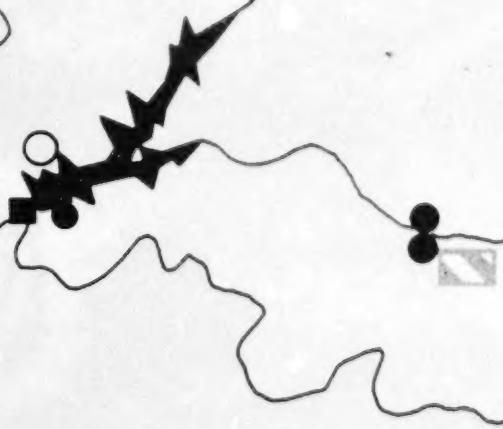

LYNN A. ROBBINS

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NAVAJO PARTICIPATION IN LABOR UNIONS

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December 1975

LAKE POWELL RESEARCH PROJECT

The Lake Powell Research Project (formally known as Collaborative Research on Assessment of Man's Activities in the Lake Powell Region) is a consortium of university groups funded by the Division of Advanced Environmental Research and Technology in RANN (Research Applied to National Needs) in the National Science Foundation.

Researchers in the consortium bring a wide range of expertise in natural and social sciences to bear on the general problem of the effects and ramifications of water resource management in the Lake Powell region. The region currently is experiencing converging demands for water and energy resource development, preservation of nationally unique scenic features, expansion of recreation facilities, and economic growth and modernization in previously isolated rural areas.

The Project comprises interdisciplinary studies centered on the following topics: (1) level and distribution of income and wealth generated by resources development; (2) institutional framework for environmental assessment and planning; (3) institutional decision-making and resource allocation; (4) implications for federal Indian policies of accelerated economic development of the Navajo Indian Reservation; (5) impact of development on demographic structure; (6) consumptive water use in the Upper Colorado River Basin; (7) prediction of future significant changes in the Lake Powell ecosystem; (8) recreational carrying capacity and utilization of the Glen Canyon National Recreational Area; (9) impact of energy development around Lake Powell; and (10) consequences of variability in the lake level of Lake Powell.

One of the major missions of RANN projects is to communicate research results directly to user groups of the region, which include government agencies, Native American Tribes, legislative bodies, and interested civic groups. The Lake Powell Research Project Bulletins are intended to make timely research results readily accessible to user Groups. The Bulletins supplement technical articles published by Project members in scholarly journals.

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ABSTRACT

Navajo participation in labor unions and Navajo labor relations have undergone rapid and fundamental changes since the development of industry around Lake Powell and on Black Mesa. Early attempts to unionize Navajo workers met with stiff resistance from Navajo employees and from the Navajo Tribal Council. Union entry into the Navajo Reservation was viewed as a threat to Navajo political power. In 1958, the Navajo Tribal Council passed resolutions making union operations on the Navajo Reservation unlawful. In 1961, unions attempted to hold a union election to bring Navajo and other workers at a uranium mill into several unions. The Navajo Tribal Council blocked the election, and a court case ensued which resulted in a U.S. Court of Appeals decision nullifying the Navajo Nation's legal right to outlaw union activities. Between 1961 and 1971, Navajo membership in unions increased from roughly 50 to several hundred, and the Navajo people gradually accommodated themselves to union operations on the Reservation.

In 1971 Navajo workers at the Navajo Project near Page, Arizona, charged employers with discrimination. Worker dissatisfaction led to the establishment of the Navajo Construction Workers Association and the eventual establishment of the Office of Navajo Labor Relations (ONLR).

The ONLR has become the chief instrument in labor relations for the Navajo Nation. Through the creation and enforcement of manpower requirements and guidelines, all of which are now incorporated into leases between the Navajo Nation and contracting parties, the ONLR has made significant improvements in Navajo labor relations. Its power to enforce the terms of leases stems from Title VII of the 1964 Civil Rights Act which demands preferential hiring of Indians on and near reservations. The provisions of the Civil Rights Act alone do not automatically require effective preferential hiring of Indians, and the ONLR has had to negotiate repeatedly with contracting companies to create meaningful interpretations of Indian preference. These negotiations have brought the Navajo Nation and unions closer together than in any other period of Navajo history. Cooperation between unions and the ONLR is generally close, and presently the ONLR works with all union locals in the vicinity of the Navajo Reservation.

In our study, union representatives were contacted to obtain opinions and observations about unionized Navajo workers. Union representatives support Navajo preferential hiring and make every effort to place qualified Navajos in industrial jobs. We contacted 107 unionized Navajo

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workers in over 300 households in the Page-Lechee, Kayenta-Black Mesa, and Tuba City-Red Lake areas. Fifty-seven percent of these workers expressed satisfaction with unionized jobs. In 1971, the average salary of unionized Navajo workers was approximately $12,000 per year, while that of the 145 non-unionized wage earners in our sample was $6,000.

Union membership in the Navajo labor force is increasing rapidly. Of the total number of Navajo workers with jobs that could be unionized, we estimate that nearly half have joined the unions. Our interviews with Navajo workers and union representatives reveal that Navajos are becoming increasingly aware of the benefits of union membership, such as medical insurance, retirement programs, training, and greater job stability. The Navajos are also becoming more aware of the implications and applications of the 1964 Civil Rights laws to American Indians. The Civil Rights legislation, coupled with ONLR efforts and the possibility of much expanded construction and extractive industries on the Navajo Reservation in the future, will likely bring an even greater increase in union membership than has been recorded in our study.

NAVAJO PARTICIPATION IN LABOR UNIONS

SOURCES OF INFORMATION AND THE SCOPE OF THE STUDY

The data on which this Bulletin is based come from the following sources:

1) Interviews with 107 unionized Navajo workers in the Page-LeChee, Black Mesa, and Tuba City-Red Lake areas of the Navajo Reservation. These interviews form part of the more than 300 household interviews completed by the field workers of the Anthropology Subproject of the Lake Powell Research Project (LPRP).

2) Interviews with 7 union officials.

3) Interviews of officials of the Navajo Nation and various companies.

This Bulletin is not a comprehensive history of Navajo involvement in labor unions. It describes major events pertaining to labor relations at the Navajo Project near Page, Arizona, and shows how these events have altered the relationships between the Navajo Nation and labor unions.

INTRODUCTION

Recent industrial growth has led to a radical change in Navajo labor relations. Formerly, the Navajos resisted unionization of their workers, viewing it as a threat to their political power. A Court of Appeals decision nullifying the Navajo Nation's legal right to outlaw unions led to the unionization of a considerable proportion of Navajo workers.

A detailed study has been made of the changes in labor relations associated with the construction of the Navajo Generating Station near Page, Arizona. Also, a partial survey has been completed of union membership throughout the Reservation. The introduction of unions into the Navajo Nation has led to considerable changes in values and lifestyles of the people. These changes are direct and derivative results of union membership. Navajo involvement in labor unions is a recent trend in Navajo history, and is likely to have a major impact on the future expectations of Navajo labor, the Navajo government, and on unions operating on or near the Navajo Reservation.

One of our aims is to sketch broadly recent trends in the history of union activities on the Navajo Reservation. We cite some specific cases indicative of these trends. Our study emphasizes the labor activities in and around Page, Arizona, and the observation of union and Navajo Tribal leaders.

BACKGROUND

Until very recently the Navajo Nation resisted union activities on the Navajo Reservation. Indeed, union activities were outlawed on the Reservation when the Navajo Tribal Council passed a Resolution on August 26-27, 1958, which forbade any union activities. Excerpts from the text of the Resolution follow:

4. RIGHT TO WORK POLICY

It is declared to be the public policy of the Navajo Tribe of Indians

that the right of persons to work on the Navajo Reservation or any other land subject to the jurisdiction of the Navajo Tribe, whether in private employment or for the Navajo Tribe or any of its subdivisions, enterprises, or wholly owned corporations, as now or hereafter constituted, shall not be denied or abridged on account of membership or non-membership in any labor organization.[1]

Another Section of the Resolution deals with soliciting membership:

2. SOLICITATION FOR UNION MEMBERSHIP, UNIONIZATION ACTIVITIES; PROHIBITION.

It shall be unlawful for any person to solicit for membership in any union or to conduct any other incident or adjunct of unionization activities on the Navajo Indian Reservation or on any other land under the jurisdiction of the Navajo Tribe.

4. THREATENED OR ACTUAL INTERFERENCE WITH PERSON, FAMILY, OR PROPERTY.

It shall be unlawful for an employee, labor organization or officer, agent or member thereof, or for any employer, by any threatened or actual interference with a person, his immediate family or his property, to compel or attempt to compel such person to join a labor organization, or withdraw from a labor organization, or to strike against his will, or to leave his employment.[2]

5. ILLEGAL AGREEMENTS, UNDERSTANDINGS, OR PRACTICES.

(a) Any express or implied agreement, understanding or practice, which is designed to cause or require, or has the effect of causing or requiring, any employer or labor organization, or any other type of association, whether or not a party thereto, to violate any provision of this chapter is declared an illegal agreement, understanding, or practice and contrary to public policy.

(b) Any non-Indian who shall know the design or effect of any such agreement, understanding, or practice shall be excluded from Navajo Tribal land according to the procedure specified in section 973 et Sequ. of Title 17.[3]

6. ILLEGAL STRIKE, LOCKOUT, LAYOFF, BOYCOTT, PICKETING, OR WORK STOPPAGE.

Any person who shall engage in a strike, lockout, layoff, boycott, picketing, or work-stoppage, or other conduct the purpose of which is to compete or force any other person, firm, association, corporation, or labor organization to violate any provision of this chapter shall be guilty of illegal conduct contrary to public policy provided such person has actual knowledge of the purpose of the strike, lockout, boycott, picketing, work-stoppage, or other conduct, in which he is engaging.[4]

7. COMPULSORY PAYMENT OF DUES TO LABOR ORGANIZATIONS PROHIBITED.

No employer shall require any person to pay any dues, fees, or other charges of any kind to any labor organization as a condition of employment or continuation of employment.[5]

According to the Navajo Tribal Code, soliciting for union membership was expressly forbidden, as were other activities related to union operations. It seems that the Navajo Tribe in the past adopted the policies of the State of Arizona which, like the Navajo Tribe, has an open-shop policy. (Utah, also, is a right-to-work state.) The Navajo Tribe seems to have accepted the State of Arizona as a dominant political entity and therefore what was common practice in Arizona became the policy of the Navajo Reservation. Furthermore, and more importantly, the Navajo Nation in the past has been reluctant to permit unions to operate on the Navajo Reservation for fear the unions would exert unwanted political influence on the Navajo Tribal government. Another factor is that until very recently large industries employing hundreds of unionized workers had not entered the Navajo Reservation, hence there was little need to deal with unions as a matter of normal Tribal policy.

Prior to the passage of the Resolution there were at least two attempts to unionize Navajo workers. Streib[6] described in great detail efforts made by a local (of a national building and common laborers' union) to unionize Navajo laborers engaged in the construction of a natural gas pipeline on the Navajo Reservation in 1950. Union leaders attempted to gain Navajo support in a union strike, but the effort failed. Streib reported that the following factors inhibited Navajo participation in both the union and the strike:

> (1) the lack of literacy and education among the Navajos involved; (2) the low economic status of the Navajos coupled with the high wages offered by the company which created an unlimited supply of labor seeking work; (3) anti-union influence of the traders; (4) a paradoxical "psychology" manifested in attitudes of individuation and dependency; the former was fostered by a familistic type of social organization which inhibited collective action on a non-familial basis; the attitudes of dependency were related to the nature of Navajo-White relations, particularly those with the federal agencies; (5) attitudes of skepticism and suspicion towards innovations introduced by Whites.[7]

Streib also noted that an Anglo labor union leader who attempted to organize Navajos encountered no enthusiasm from the several Navajo Tribal Councilmen whom he approached for support. Furthermore, the Navajo Tribal Council stipulated in its contract with the pipeline company that Navajos were to receive wages comparable to those received by other workers for similar types of work. These provisions in the contract diminished Navajo involvement in both the union and the union strike which occurred while efforts were being made to recruit Navajos into the union. The Navajo workers believed they were treated fairly in being hired and in receiving wages comparable to non-Navajo workers.

Another attempt by Navajos to stop unionization of their workers occurred in 1961 at a uranium mine operated by the Texas-Zinc Mineral Corporation on the Navajo Reservation near Mexican Hat, Utah. Workers there attempted to hold a union election in order to unionize all employees at the mine. The Navajo Tribal Council intervened and contested the right of unions to hold an election.

The Texas-Zinc Minerals Corporation, the Steelworkers, the International Union of Operating Engineers, the AFL-CIO, and the International Hodcarriers, Building and Common Laborers Union of America participated in legal proceedings which tested the legal right of the Navajo Tribal government to halt union elections. The case was taken before the National Labor Relations Board (NLRB). At hearings held in Sacramento, California, the NLRB ruled against the Navajo Tribe. This action was appealed by the Navajo Tribe to the U.S. Court of Appeals which ruled, on March 2, 1961, that neither states nor Indian tribes can interrupt commerce in cases in which the provisions of the Labor-Management Act apply.[8]

A press release issued by the Navajo Times concerning the case and the subsequent ruling of the U.S. Court of Appeals indicates the general mood of the Navajo leadership toward unions and federal intervention in Navajo labor relations. The following quote is illustrative of the attitudes of Navajo Tribal officials at the time:

> UNIONS TO INVADE RESERVATION LAND
>
> The way was clear today for the National Labor Relations Board to

invade the ancient tribal lands of the Navajo Indians. The U.S. Court of Appeals has rejected requests by Navajo chiefs to block an NLRB union representation election at a uranium plant on the tribe's reservation near Mexican Hat, Utah.

An NLRB spokesman said the board now would arrange for balloting to see if the workers at the Texas-Zinc Minerals Corp. will want to be represented by the United Steelworkers Union.

The Navajo Tribal Council opposed the union's campaign in the courts after forbidding organizers to set foot on the 25,000 square mile reservation.

Steelworkers attorneys argued that employees at the plant, which processes uranium ore for the Atomic Energy Commission, should be subject to U.S. law, not tribal codes, when it came to industrial relations.

The NLRB agreed but an election order was delayed by the Indians' challenge to the legality of an election order.

A year ago, the NLRB found there were 87 employees at the Mexican Hat mill--47 Navajos and 40 non-Indians.

"If the Indians are entitled to vote for Sen. [Barry] Goldwater (R. Ariz.) they're entitled to vote for a union," said Steelworkers' lawyer David E. Feller. The U.S. District Court agreed and the appeals court also sided with the union in a recent order.[9]

Uranium workers later rejected union membership by a vote of 56 to 11, as another Navajo Times article reported:

NAVAJOS VOTE AGAINST UNION IN NLRB VOTING

Voting, under National Labor Relations Board supervision, uranium workers at Mexican Hat, Utah, voted against unionizing at the Texas-Zinc Minerals Corporation Mill. The vote was 56 to 11, to remain non-union. The Hod Carriers and Operating Engineers Union attempted to organize in the plant at Mexican Hat.

The Navajo Tribal Council had long opposed the efforts of the union to organize. The Council and the Navajo Tribe took the case to the Supreme Court in an effort to prevent the NLRB from holding the election. On this account the Steelworkers Union withdrew the ballot.

The National Labor Relations Board made the results of the election known last week. At that time the NLRB rejected demands of the union for a new election.[10]

Raymond Nakai, former Navajo Tribal Council Chairman (1963-1969), stated that the Navajo Tribe's action in the case "left a bitter taste" with the NLRB.[11] Nakai went on to report that during his administration he attempted to "heal this wound," and since the 1961 ruling, the Navajo Nation has steadily accommodated itself to this legal reality.

However, unionization on the Navajo Reservation continued to meet resistance from some Navajo officials, and as a result, by 1963, as Mr. Nakai's first term (1963-1966) began, there were only about 50 unionized Navajos on the Navajo Reservation.[12] From 1963 until 1970, the 8 years of Mr. Nakai's two administrations, union membership steadily increased from about 50 to 300. In addition, the 100 unionized Navajos were engaged in the construction of Glen Canyon Dam in the 1950s and early 1960s. Nearly all of these workers were recruited from the Navajo Reservation into the Laborers Union, Local 383, in Flagstaff, Arizona.[13] Glen Canyon Dam is not located on the Navajo Reservation, and this factor may have discouraged possible formal protests from the Navajo Tribal Council prior to its case with unions at Mexican Hat, Utah. Also, in the late 1950s and early 1960s, some Navajo uranium mill workers were unionized near Tuba City, Arizona. In the present study, a detailed account of this instance of Navajo unionization could not be obtained. However, interviewers were told by a union representative, who had some acquaintance with the mill, that Navajos willingly joined the union represented by the mill workers. The same union

representative, who is now a union local business manager, claimed that Navajo union membership at the Tuba City uranium mill provided impetus for others later to seek union membership as a means of improving their wages and working conditions.[14]

The case cited here regarding the Navajo Tribal Council's resistance to union recruitment is not presented as an indictment of the Council's actions. Instead, these actions are understandable in the context of the times. The Navajo people had long feared domination from the outside.[15] Our interpretation is that powerful national and international unions were perceived as threats to Navajo efforts to achieve some measure of self-governance. Attitudes toward unions, however, have since changed dramatically. Near Page, Arizona, Navajo workers established their own labor organization for the first time in the history of Navajo labor relations. This labor movement ultimately resulted in bringing the Navajo Nation into full-scale negotiations with and participation in labor unions.

TRENDS IN NAVAJO LABOR RELATIONS AT THE NAVAJO GENERATING STATION

At the Navajo Project near Page, Arizona, inquiries were conducted to gain some understanding of recent trends in Navajo labor relations and to assess the effects on Navajos of industrial developments in the Lake Powell and Black Mesa areas. The Navajo Project includes the construction of the Navajo Generating Station by the Bechtel Corporation, the construction of the Black Mesa & Lake Powell Railroad by the Morrison-Knudsen Corporation, and related developments in the immediate area undertaken by several subcontractors. The entire Navajo Project was and continues to be managed by the Salt River Project, which has been charged with overseeing the complete development plan. The Navajo Project has been a focal point of Navajo industrial labor relations since its inception in 1970. Here hundreds of Navajo workers and job-seekers gathered in hopes of being hired for the more than 2,000 available jobs. Eventually, involvement with companies and unions greatly heightened Navajo awareness of labor relations on the Navajo Reservation.

ESTABLISHMENT OF THE NAVAJO CONSTRUCTION WORKERS ASSOCIATION

The Salt River Project drew up a lease with the Navajo Nation at the outset of the construction of the Navajo Generating Station in 1968. In the lease, the Salt River Project agreed to give Navajos preference in employment. Specifically, preference would be given to qualified Navajos for unskilled, semiskilled, and skilled labor and to all local Navajos meeting general employment qualifications in unskilled classifications.[16] According to the lease the Navajo workers had to demonstrate that they were "qualified." As this term was not specifically defined in the lease, many disputes soon developed.

The Salt River Project arranged to have some Navajos trained for specific occupations at the construction site and for maintenance positions following construction, although this training was not part of the lease agreement. Eighty-eight Navajo men were selected by the Employment Security Commission of Arizona to receive pre-apprentice training in Page for construction work from May 1971 to April 1972; 53 of the Navajo trainees completed their training and were transferred from the training program to the construction site at the Navajo Generating Station.[17] Additionally, 55 Navajo men received training

in 1971 and 1972 for post-construction maintenance jobs at the Navajo Generating Station.[18]

Construction of the Navajo Generating Station by the Bechtel Corporation began in October 1970 under the supervision of the Salt River Project. In the early phase of construction approximately 150 Navajos received jobs. Most of them were laborers hired through Laborers Union Local 383 in Flagstaff, Arizona. Wages for most workers averaged about $7 per hour.

Navajos employed at the Navajo Project were not compelled by law to join unions. However, in order to secure employment, most of the potential workers soon realized that they had to go through hiring halls to obtain employment. Unions expected the workers to become union members; furthermore, union hiring halls were focal points of both job information and recruitment. Also, representatives from various unions and the Salt River Project had met with members of key Navajo Chapters (Coppermine, LeChee, Tonalea, Kayenta, Shonto, and Kaibeto) to discuss job openings, union membership, and industrial impacts in these areas. In some instances Chapter officers urged union and company officials to appear before Chapters, and in other instances company and union representatives attended Chapter meetings on their own initiative. Generally Chapter officers endorsed the new industrial developments, and they encouraged their constituents to apply for jobs.[19]

After the initial hiring of 150 Navajos (and hundreds of non-Navajos) at the Navajo Generating Station construction project, Bechtel workers began arriving at the job site from the Mohave Plant Project near Bullhead City, Nevada, which was then nearing completion. By February 1971, Navajo levels of employment at the Navajo Project had begun to decline.[20] Layoffs of Navajo workers became more and more frequent. Men were fired, allegedly because they had not proven themselves on the job or because they had failed to appear for work regularly. The customary policy of the Salt River Project was to permit a worker up to 3 days of failing to arrive on the job without prior notice. Allegedly many Navajo men violated this rule and hence were fired.

As the levels of employment of Navajo workers in both skilled and unskilled categories declined, Navajo workmen who were still on the job became increasingly concerned about their chances of remaining in the employ of Bechtel. The Navajo workmen believed that dismissals of Navajo employees were unjust and that some action should be taken to protect their jobs.[21] Furthermore, they viewed dismissals as both discriminatory and inconsistent with the policy of giving Navajo workers first preference for available jobs, as stated in the lease. The Navajos were ignorant of the implications of these provisions in the lease, until resistance to dismissals by Navajo workmen brought the matter to public attention. The Navajo workers believed that companies, unions, and federal agencies concerned with civil rights laws, as well as officials of the Navajo Nation, had not properly informed the Navajo workers of the implications of the preference provisions of the lease. Navajo workmen were also being fired from jobs at the Four Corners Plant at Fruitland, New Mexico, which added to the concern and apprehension of Navajo Bechtel workers at the Navajo Project.[22]

In response to these events, several Navajo workers decided that some action

should be taken. They contacted the Navajo Nation's Labor Manpower Committee which was responsible for investigating worker grievances for Navajo Tribal members. These same men also held a meeting at the camp of one of the workers near the Navajo Generating Station construction site. The meeting was well attended by Navajo workmen. The organizers of the meeting felt that Bechtel had satisfied contract requirements with the Navajo Nation by initially hiring a large number of Navajos for construction jobs. However, they alleged that once this part of the contract had been fulfilled, Bechtel subsequently fired many Navajo workers on the pretext that they were unreliable in appearing for work and were unsatisfactory in performing their jobs. The organizers charged that, as Navajos were laid off, Bechtel filled the vacant positions with workers from the Mohave Plant.

The same Navajo workers also charged that they had been discriminated against on the job.[23] The men alleged that Bechtel selected and placed those Anglos with notably anti-Navajo prejudices in key positions, which further accelerated terminations of Navajo jobs and added to Navajo dissatisfaction. The Navajos felt they had not received adequate training and instruction for skilled jobs which, they argued, contributed to the impression that Navajos were incompetent.

Navajo workers took their grievances to a representative of the Bureau of Indian Affairs Employment Assistance Program in Page, Arizona. He suggested that the workers seek legal counsel from the Dinebeiina Nahiilna Be Agaditahe (DNA), which is the Navajo legal aid agency in Tuba City, Arizona. Two DNA attorneys were approached by the Navajo workers. Workmen argued that, prior to being hired for jobs, they had not been fully apprised of their rights under the terms of the Civil Rights Act (Title VII) and of the Navajo Project lease. This aspect of the labor dispute is, in the author's view, crucial, since it was the responsibility of Bechtel and the Salt River Project to inform Navajo job-seekers and job-holders of the provisions of the 1964 Civil Rights Act. Title VII stipulates that Indians living on or near Indian reservations may be given preference in employment by businesses operating on or near reservations. "Near" a reservation is interpreted by federal agencies and by the Navajo Nation as designating job sites located within a day's drive of a reservation border.[24]

Although the preference clause was mentioned at Chapter meetings by union and company officials, the Civil Rights laws were at no time fully explained to Navajo job-seekers and employees.

Prior to the passage of Civil Rights legislation, the Navajo Nation had insisted on Navajo preferential employment at least once (in the case of the gas pipeline lease of 1950). However, the strength of a preference clause in a lease is enormously enhanced by Civil Rights laws, provided Indian tribes are willing to amplify and to enforce vigorously the Civil Rights laws. The Navajo Nation eventually accomplished precisely this enhancement.

The provisions of the 1964 Civil Rights Act concerning Indian preference caused additional labor disputes which focused on non-Indian workers who claimed that unions discriminated against them in preference to Indians. In May of 1972, some members of the Carpenters Union (Local 1100, Flagstaff, Arizona) staged a wildcat strike at the Navajo Project to protest alleged unfair labor practices.[25]

The protest stemmed from the layoff of 21 non-Navajo carpenters and the hiring of a Navajo apprentice on the same day. The strike lasted 2 days and caused a complete shutdown of construction on the Navajo Generating Station. Strikers believed that the hiring of a Navajo in preference to non-Navajos constituted a violation of fair labor practices as stated in the Taft-Hartley Act.[26] Forty electrical workers (Local 2148, Flagstaff, Arizona) crossed the picket lines as a counterprotest to the wildcat strike. The strike soon came to an end because the majority of workers, union members, and union leaders, did not sanction wildcat strikers' views or actions. A spokesman for the Navajo Project stated that the Navajo hired during the layoffs was an apprentice whose employment was only coincidental with the 21 layoffs.[27] In the present study, this is the only documented incident of worker protest to Navajo preference.

The Navajo workmen who protested discrimination against Navajos at the Navajo Project also claimed they were not properly informed of the right-to-work laws in Arizona. They felt also that they were not given any assistance from the Office of Economic Opportunity, the companies operating on the Navajo Reservation, or the Navajo Tribal Manpower Labor Committee. They thought that unions had failed to inform prospective and actual employees of the meaning of preferential hiring of Navajos.[28]

In early 1971, the Navajo workers were informed by DNA attorneys that they were fully entitled to the benefits of preferential hiring, and the attorneys recommended that the Navajos form a workers' association in order that negotiations with the companies and unions could be conducted. The Navajo workers organized the Navajo Construction Workers Association in the spring of 1971. A chairman, vice-chairman, and secretary were elected. The first chairman, Kenneth White, was a carpenter at the Navajo Generating Station and a member of the Carpenters Union, Local 1100, Flagstaff, Arizona. Mr. White was the principal organizer of the association. The vice-chairman was a heavy-equipment operator at the Morrison-Knudsen Black Mesa & Lake Powell Railroad construction project, and was a member of the Operating Engineers International Union, Local 428, Flagstaff, Arizona. The secretary was a mine worker at the Peabody mine on Black Mesa and a member of the United Mine Workers. These Association officers therefore represented a cross-section of the skilled Navajo workers from various projects and unions. The majority of the Association members belonged to the Laborers Union, Local 383, Flagstaff, Arizona, and were unskilled laborers.

The Navajo Construction Workers Association held its first meeting on April 4, 1971. The Association officers experienced some serious obstacles at the outset of their activities. They were urged by fellow-Navajo workers not to offend unions and companies. Feelings ran high and some bitter words were exchanged. Many Navajo workmen, although originally in favor of the Association, were soon concerned that they might lose their jobs if they urged companies and unions to comply with preferential hiring practices. Furthermore, non-Navajo workers were angered by Navajo preferential hiring and were especially disturbed by the formation of the Navajo Construction Workers Association. The non-Indian workers argued that preferential hiring was unfair and that Navajo workers were inexperienced as workers. In short, resistance to the Association came from all sides, except

those Navajo workers who were determined to pursue their grievances.[29]

Following the establishment of the Navajo Construction Workers Association, several important meetings were held between members of the Association and representatives of the Phoenix Office of Economic Opportunities, the American Indian Rights Association (AMERIND), the Civil Rights Commission, the Association in Page, Arizona, and two key Navajo Tribal Councilmen, Harold Drake and George James, who represented the Navajo Tribal Manpower Labor Committee. The meetings were held throughout the summer of 1971.

Members of the Association were given assurances from Drake and James that the Navajo Tribal Council would act on the demands and grievances voiced by the Association. The Association's major complaints concerned discrimination in the hiring and firing of Navajos. The Association charged that Navajos had to leave the Reservation in order to be hired. Most of them had to proceed through the Laborers Union, Local 383, in Flagstaff, Arizona, and, according to the charges, they were often bypassed in favor of non-Navajos. This latter grievance was reported by Navajo men who resided in many areas of the Navajo Reservation and who had been promised jobs by companies, union representatives, and Navajo Tribal leaders. Some of these workers believed they were surrendering some of their grazing land in the path of the Black Mesa & Lake Powell Railroad in return for jobs.[30]

In the autumn of 1971, the Association filed a grievance petition of over 150 names with the Navajo Tribal Council. However, Council members stated that action from the Navajo Tribal Council would take at least 3 months. Among other provisions, the petition called for an end to Navajo job terminations by August 1971. The petition was routed to Navajo Tribal Chairman Peter MacDonald, who added a statement of his own to the effect that Navajos should be given first priority for jobs.[31] Prior to sending their petition to the Navajo Tribal Council, the members of the Association also sent a copy of the petition to the Equal Employment Opportunities Commission (EEOC) and the Office of Federal Contract Compliance (OFCC).

In November 1971, the Navajo Tribal Council was to discuss the establishment of the Office of Navajo Labor Relations (ONLR), a proposed new agency which would be charged with a multitude of tasks, among which was action taken to relieve legitimate Navajo labor grievances and to enforce the preferential hiring of Navajos. However, it was not until the winter of 1972 that the Navajo Tribal Council finally passed a resolution establishing the new ONLR.

THE NAVAJO CONSTRUCTION WORKERS ASSOCIATION AND THE ESTABLISHMENT OF THE OFFICE OF NAVAJO LABOR RELATIONS

As of October 1974, between 2,200 and 2,500 Navajo workers from all regions of the Navajo Reservation belonged to the Navajo Construction Workers Association.[32] This figure represented about 11 percent of the employed (seasonal and permanent employees) Navajos on the Navajo Reservation in 1972. Membership in the Association is automatic when a worker is hired in a construction project. No dues are levied. The Association is not a union and does not serve as the sole bargaining agent in labor relations. Regular quarterly meetings are held, usually in the

Page area. The Association performs a crucial function in apprising workers and prospective workers of the new Office of Navajo Labor Relations manpower requirements and guidelines. It promotes and enforces Navajo workers' rights, especially ONLR provisions relevant to preferential hiring of Navajos.

The Association has had major impacts on Navajo labor relations. New guidelines for hiring and on-the-job procedures have been enacted by the ONLR, largely as a result of the Association's demands and subsequent action taken by companies, federal agencies, and the Navajo Tribal Council.

The establishment and activities of the Navajo Construction Workers Association represents a remarkable development in Navajo labor relations. Originally, only a small minority of 5 or 6 Navajo workers recognized discrimination, feared for their jobs, and eventually forced federal agencies, the Navajo Tribal Council, unions, and companies to fully address themselves to the preferential hiring of Navajos at the Navajo Project and elsewhere. Through the actions of these men and the support they were able to marshall from their fellow workers, federal agencies, the DNA, and the Navajo Tribal Council, the Navajo Nation's bargaining position was ultimately strengthened in the arena of labor relations. The major accomplishment, apart from the creation of the Association, was in spearheading the establishment of the Office of Navajo Labor Relations. This office has become the chief administrative instrument of the Navajo Tribal government in advancing the interests of Navajo workers.

The establishment of the Office of Navajo Labor Relations set a strong precedent in Navajo labor relations, and much of this development is a direct result of the actions taken by the dissident workers at the Navajo Project. The Resolution which established the Office of Navajo Labor Relations is quoted below. It passed the Navajo Tribal Council by a vote of 43 to 2 on January 19, 1972.

WHEREAS:

1. It is in the best interest of the Navajo Nation and the Navajo people that Navajo Indians living within or near the boundaries of the Navajo Nation should be given preference in employment with all enterprises, businesses and projects operated or undertaken within the Navajo Nation and

2. Although contracts between the Navajo Nation and employers doing business or engaging in enterprises or projects within the Navajo Nation have provided that Navajo Indians should be given preference in employment, such contract provisions have proved difficult to enforce, and

3. Many employers doing business or engaging in enterprises or projects within the Navajo Nation have not given preferential treatment to the hiring of Navajo Indians who reside within or near the Navajo Nation, and

4. Full realization of preferential treatment of Navajo Indians in employment with all enterprises, businesses and projects undertaken within the Navajo Nation be required to use hiring facilities established within the Navajo Nation, and

5. Workers familiar with employment practices within the Navajo Nation consider the establishment of an Office of Navajo Labor Relations desirable and necessary to bring about preferential and full employment of Navajo Indians, and

6. The Labor Manpower Committee of the Navajo Tribal Council has thoroughly considered and discussed the methods by which preferential and full employment of Navajo Indians can be best achieved and has determined that the establishment of an Office of Navajo Labor Relations is desirable and necessary to bring about preferential and full employment of

the Navajo Indians with all enterprises, businesses and projects undertaken within the Navajo Nation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Tribal Council hereby creates an organization to be known as the Office of Navajo Labor Relations.

2. The attached Plan of Operation for the Office of Navajo Labor Relations is hereby approved and adopted, as part of this Resolution, and may be amended from time to time by the Advisory Committee of the Navajo Tribal Council.

3. The Chairman of the Navajo Tribal Council be and is hereby authorized, empowered and directed to do any and all things or acts necessary, incidental, or advisable to accomplish the purposes of this resolution and the Plan of Operations.[33]

Following the establishment of the Office of Navajo Labor Relations, meetings were held involving Navajo workmen, DNA attorneys, and various labor representatives, to discuss the most efficient and effective measures whereby the Navajo Nation could work with unions and companies in pursuing ONLR goals. Some of those who attended these meetings recommended that the Navajo Nation establish its own Reservation-wide all-Navajo union, but objections to this recommendation were strong and convincing.[34] It would be prohibitively expensive for the Navajo Nation to set up its own hiring halls across the Navajo Reservation. Navajo workers, moreover, would have much stronger bargaining power if they were associated with national and international unions. This bargaining power would extend far beyond the Navajo Reservation borders and well beyond the special interests of the Navajo Nation. Furthermore, an all-Navajo union would likely find itself in competition against, rather than in cooperation with, other unions. Since these meetings, the Navajo Nation through the ONLR has moved to a position of cooperation with unions. The ONLR is considering the establishment of a central hiring hall on the Navajo Reservation for recruitment into all unions in order to obviate the need for workers to travel for recruitment to border-town locals. The policy of general cooperation with unions has been of great benefit to Navajo workers and has involved the recruitment of hundreds of Navajo workers in recent years.

The Office of Navajo Labor Relations responsibilities are defined in the document The Navajo Manpower Utilization Requirements (1974). These requirements concern contract bids for construction entered into between the Navajo Nation and contracting parties. Those parties leasing Navajo land, receiving grants for rights-of-way, or engaging in any other activities resulting in construction on or near the Navajo Reservation are subject to the Navajo Manpower Utilization Requirement if 20 or more workers are involved. These regulations also pertain to parties engaged in the renewal of agreements with the Navajo Indian Tribe. The ONLR manpower requirements and guidelines comprise a long list of 17 items ranging from the specific minimum percentages of Navajo craftsmen to be employed at construction projects to contract validity and enforceability. Union membership per se is not specified, yet Navajo admission to crafts jobs entails union membership. Thus the Navajo Nation has committed itself to the unionization of its citizens in order to provide them with employment.

ONLR enforcement has evolved in a very short time into a powerful tool in labor relations. A recent case illustrates the effectiveness of the ONLR. A lease incorporating the new ONLR guidelines was drawn up between Tucson Gas and

Electric Company and the Navajo Nation in the summer of 1973. The lease involved the construction and maintenance of a power line which runs from the Four Corners Power Plant across the Navajo Reservation, to Phoenix and Tucson, Arizona. The ONLR insisted upon and succeeded in including a requirement for a 50-percent level of Navajo employment in the initial construction phase, and a 60-percent level of employment soon after the beginning of construction. The lease involved approximately 120 permanent and seasonal Navajo workers. Presently there is a high level of Navajo employment in the maintenance staff.[35] In mid-1974 the ONLR opened negotiations with unions in the Four Corners area, principally Farmington, New Mexico, to raise Navajo membership to a level acceptable to both unions and the ONLR. For example, the ONLR goal is to have 80 percent Navajo representation in the Laborers Union, Local 16 in Farmington; presently there are about 120 Navajo members representing 35 percent of the total membership.[36]

EARLY OPERATIONS OF THE OFFICE OF NAVAJO LABOR RELATIONS: SOME OBSTACLES TO NAVAJO EMPLOYMENT

Despite rapprochement between unions and the Navajo Nation, there remained many serious obstacles which had to be overcome before the ONLR could enforce effectively its manpower requirements and guidelines. Until October 1973, the Office of Navajo Labor Relations had been occupied primarily with pursuing grievances registered by Navajo workmen employed by companies operating industrial and construction projects under leases with the Navajo Nation. About 30 grievance cases had been handled by the ONLR from its establishment in January 1972 to October 1973, according to testimony given by ONLR Director Thomas Brosé at the Civil Rights Commission Hearings in Window Rock, Arizona, in October 1973.[37]

The ONLR would have preferred to spend more time raising Navajo employment levels at various projects and commercial enterprises. ONLR officials considered it equally vital to enforce ONLR hiring, firing, and employment management requirements and guidelines to set precedents for tighter enforcement in the future.

The ONLR officials admit that ONLR involvement in Salt River Project employment practices toward Navajos is somewhat belated. ONLR action has been hampered because the wording of the Salt River Project lease is vague. The Salt River Project and the Navajo Nation have had to compromise in repeated negotiations to reduce Navajo layoffs and to require a greater percentage of Navajos in all categories of employment, skilled and unskilled.

At the Civil Rights Commission Hearings, Bechtel and Salt River Project company officials testified that they are constrained by the lists of available workers submitted by union hiring halls. They asserted that if unions do not or cannot send sufficient numbers of Navajos to them for referral, there is nothing more that can be done to raise levels of Navajo employment. The ONLR reports that skills unions promptly submit names of eligible Navajos, while other unions have been slow in complying with Navajo preference requirements. Some unions have found themselves in a difficult legal position, since according to the provisions of the Taft-Hartley Act, Section 8 (a)(3), it is unlawful to discriminate against

would-be and actual union members on the basis of race. The same unions must yield to Navajo preference according to the provisions of the Civil Rights Act of 1964 (Title VII) and the Navajo Project lease. Non-Indian union members on waiting lists have been displeased with Indian preference and have, on occasion, charged their unions with unlawful discrimination.[38] An example of a wildcat strike which resulted from this non-Navajo workers' grievance has been cited previously.

The ONLR and other officials of the Navajo Nation have alleged that none of the federal agencies (Housing and Urban Development, Bureau of Indian Affairs, Federal Highway Agency, Department of Health, Education and Welfare, and others) is adequately pursuing Navajo preferential hiring, and that no federal agency on its own has initiated charges of non-compliance against any of the contractors or industrial corporations operating on or near the Navajo Reservation.[39] The ONLR has had to enforce compliance on its own. That the ONLR has had to carry the banner of enforcement compliance has been distressing to the Navajo people. It was equally distressing to the Commissioners of the Civil Rights Commission before whom this testimony was given.

The Navajo Nation, however, has made some progress in its negotiations with the Salt River Project by insisting that Navajo levels of employment at the Navajo Project be maintained at 45 percent when the Navajo Generating Station is in full operation in 1976. The Salt River Project officials, according to testimony given at the Civil Rights Commission Hearings, argued that this is an optimistic figure because approximately 4 years of training are required to qualify plant operators. They also stress that training costs are very high. For some operators' positions, 10 years of training, combined with work experience, are needed to assure suitable performance.

Furthermore, the Salt River Project officials stated that the Salt River Project has been training a few Navajos for plant operations since 1970. Training programs for construction workers have been in progress in Page, Arizona, since 1970. Eighty-eight Navajo trainees entered one of these programs in 1970. Of these, 33 failed to complete their training.

Some of the Commissioners of the Civil Rights Commission quizzed the Salt River Project representatives (two Bechtel employees) concerning the recruiting of large numbers of inexperienced foreign laborers for overseas projects conducted by Bechtel. The Commissioners suggested that if Bechtel could hire inexperienced personnel abroad, it could do the same on the Navajo Reservation in the United States. The Bechtel representatives replied that Bechtel and the Salt River Project had commitments to international unions prior to their commencement of work at the Navajo Generating Station. The implication was that the Salt River Project and Bechtel Corporation could not easily extricate themselves from these commitments to the unions according to which they were required to hire experienced and skilled U.S. citizens.

The Salt River Project and the Bechtel Corporation thus had conflicting commitments to unions and to the preferential hiring clause in their lease with the Navajo Nation. These conflicts have caused enormous difficulties for the lessees, and have made labor relations negotiations with and for the Navajo Nation exceedingly difficult. The Salt River Project and the

Bechtel Corporation have avoided direct confrontations with workers of international unions. The Office of Navajo Labor Relations, realizing these difficulties and complications, now insists that future leases contain more explicit language regarding all aspects of Navajo labor relations. The success of this effort is evident in the Tucson Gas and Electric Company lease cited earlier. According to testimony given by Leonard Arviso of the Office of Navajo Manpower Development Program during the Civil Rights Commission hearings, lessees operating on the Navajo Reservation employed 4,500 persons, 2,500 of whom were Navajos. This is a 56-percent representation of Navajos working for companies holding leases with the Navajo Nation. The ONLR is striving to increase this percentage.

Another obstacle to Navajo participation in unions and skilled jobs is the relatively low level of work experience among those who comprise the work force. Two skills-inventory surveys were conducted on the Navajo Reservation that indicate a high percentage of Navajos lack skills necessary for employment in major projects.

A representative of the Salt River Project, A. J. Phister, Project Manager of the Navajo Project, testified at the Civil Rights Commission hearings that lessees (i.e., the Salt River Project and its subcontractors) conducted a skills inventory on the Navajo Reservation in September and October of 1972. Twenty-five on-Reservation survey sites were used, and presumably they were representative of the Navajo population. The survey yielded "less than 600 applicants," of whom "less than 100" had journeyman skills. The results were sufficiently disappointing to the Office of Navajo Manpower Development that a second skills inventory was requested based on applications solicited from job-seekers. Again the results proved disappointing; only 70 applications were received and of these only 10 indicated skills sufficient to qualify for construction work.

It is no surprise to the ONLR [illegible] to lessees that skills-inventory surveys indicate a paucity of skilled Navajos. Long-standing, widespread unemployment and underemployment are well known to be the norm on the Navajo Reservation.[40] More workers need to be employed, trained, and qualified for jobs, and this is clearly recognized by the Navajo Nation, specifically by the ONLR. Furthermore, the Navajo Nation and the Bureau of Indian Affairs have provided various types of job-training for thousands of Navajos. According to the testimony given by Leonard Arviso of the Office on Navajo Manpower Development, between 4,000 and 5,000 Navajos have received job-training in recent years. The type of training received was not specified, but Mr. Arviso reported that approximately 5,000 Navajos who were referred for jobs in the recent past failed to be hired.

The Office of Navajo Labor Relations is attempting to declare more and more Navajos as being qualified for industrial and other jobs. For example, Navajos who have participated in the Office of Navajo Economic Opportunity (ONEO) housing projects as carpenters at "spot jobs" are to be declared competent to assume construction work and to qualify for journeyman status in unionized jobs. These and other measures will greatly aid Navajos in the future.

They are a few of the many examples of action taken by the ONLR to ensure greater Navajo representation at on-Reservation projects where leases are involved.

UNION RECRUITMENT

As part of the present study of the impact of Lake Powell and related development on the Navajo people, labor union leaders concerned with Navajo recruitment into unions were interviewed. Union officials' responses to questions about Navajo recruitment, job training, job performance, and other issues related to labor relations are summarized below. The following labor union organizations were contacted:

Carpenters Union, Local 1100, Flagstaff, Arizona
Communications Workers of America, Local 8500, Flagstaff, Arizona
International Brotherhood of Electrical Workers, Local 2148, Flagstaff, Arizona
Laborers Union, Local 383, Flagstaff, Arizona (sub-local)
Operating Engineers, Local 428, Flagstaff, Arizona (sub-local)
Teamsters, Local 83, Flagstaff, Arizona
United Mine Workers, Black Mesa Mine #1

No union officials were found who expressed objections to the preferential hiring of Navajos for work on and near the Navajo Reservation. Unions soon realized, particularly since the establishment of the Navajo Construction Workers Association and the Office of Navajo Labor Relations, that enforcement of and compliance with the preference clause in leases are lawful and necessary. All union representatives who were contacted stated that Navajos, provided they were properly qualified, were the first to be sent to job sites on and near the Navajo Reservation. Few non-Navajo members were reported to have registered complaints about Navajo preference (with the obvious exception of the Navajo Project wildcat strike in May 1972, cited previously).

Unions seem to have accepted in practice that Indian preference, as stated in Title VII of the 1964 Civil Rights Act and in the Navajo Project lease, overrides provisions in the Taft-Hartley Act and the Landrum-Griffin Act, which state (although loosely) that discrimination in union recruitment on the basis of race is unlawful. (Indian preference has never been tested in courts, however, and some union leaders felt that a court case might arise in the future.)

One union representative expressed some dismay over the discrepancies between the Congressional acts cited above, yet this did not prevent him and his assistants from moving qualified Navajos to the top of waiting lists ahead of equally qualified non-Navajos.

One union representative vehemently supported Navajo preference. He claimed that Navajos, like people in underdeveloped nations, need a boost into unionized industrial jobs, and that unionization of workers hastens economic development, strengthens laborers' bargaining positions, and educates them to the complexities of labor-management relations. This same union representative made every effort to inform the non-Navajo members of his union of the necessity of Navajo preferential hiring. Members of his union local were those who crossed the picket line at the wildcat strike at the Navajo Project.

Other union representatives, while not objecting to Navajo preference, were guarded in their references to Navajo work

habits and aspects of Navajo culture which they believed inhibited Navajo workmen from functioning effectively on the job. Invariably, union representatives stated emphatically that workers prefer to work near their home areas. In a related study made by the LPRP Anthropology Subproject, 107 unionized workers were interviewed in the Kayenta-Black Mesa, Page-LeChee, and Tuba City-Redlake areas; 42 percent of the respondents indicated a preference to live in their home area, and 57 percent expressed satisfaction with their unionized jobs.

Union representatives also indicated that they seldom received requests from Navajos for jobs off the Navajo Reservation. (Of the 107 unionized respondents, 29 percent preferred jobs off the Navajo Reservation.) Union locals attempt to place all of their members in jobs near their homes; this is done primarily to accommodate workers who desire work near their homes and to defray travel costs to employers.

CULTURAL FACTORS AND ABSENTEEISM

Absenteeism was the most frequently mentioned cause of Navajo dismissals or poor work performance. Some union representatives (e.g., Operating Engineers and Electrical Workers) claimed that absenteeism of Navajos was no greater than that of non-Navajos, whereas other union representatives (e.g., Laborers Union) reported Navajo absentee rates as high as 20 percent above other workers. Kenneth White, Compliance Officer of ONLR, while testifying at the Civil Rights Commission hearings, urged that employers take these cultural factors into account before acting hastily in reprimanding or dismissing Navajo workers. Some union representatives commented that unscheduled curing ceremonies resulted in relatively high and unpredictable absences from work.

Absences from the job without prior notice to employers were also attributable to the familistic Navajo life-style; the wide range of economic and emotional ties common to Navajo life obligate most Navajos to many more persons than their immediate families. A Navajo is oftentimes called upon to assist a large number of kinsmen in times of need and to contribute to normal household maintenance (e.g., wood and water hauling, house construction and repair, herding livestock, transportation to hospitals and shopping centers).

Some union officials observed that some Navajo workers were absent from their jobs because of drinking. Other comments alluded to female dominance in the Navajo culture and informants asserted that Navajo men are not taught to be responsible in their work habits, and that women and girls perform most of the household chores. Other officials mentioned that Navajo women frequently bring their husbands to the union halls to register them and that men often fail to take the initiative to do this for themselves. These comments were not supported by systematically collected data, nor did the officials attempt to convey the impression that these conclusions were made from such data.

Generally, however, informants reported that Navajo workers and job-seekers are making steady progress toward good job performance, have increased awareness of the benefits of union membership, and are increasingly more punctual in showing up for work. One union official, a man who has wide acquaintance with the Navajo people, expressed the belief that Navajos

are generally better workers than are non-Navajos.

Several complaints were registered about the policies and practices of the Navajo Nation toward unions. These complaints were directed toward the administration of Navajo Tribal Chairman Peter MacDonald which has allegedly failed to cooperate fully with unions in their efforts to recruit new members. Those who registered these complaints (two union officials) asserted that the administration of former Navajo Tribal Chairman Raymond Nakai was more cooperative with unions. Mr. Nakai's policy was one of allowing Navajos to join unions if they desired; no coercion was applied to Navajo workers to join or not to join. Unions were not discouraged from recruiting. Interviews with Mr. Nakai and with union representatives confirm this observation. There was further comment which alleged that the Navajo Nation is difficult to work with because its bureaucratic agencies have overlapping functions and because efforts have failed to coordinate manpower programs. These deficiencies probably have been at least partially corrected by the new ONLR. Our interviews with union representatives were conducted at the time shortly after the new ONLR had begun work. There remain, however, lingering suspicions toward unions on the Navajo Reservation. The way is certainly not clear for massive, unimpaired unionization of Navajo workers. An example of unsuccessful attempted unionization is cited below.

In the fall of 1974, the Laborers Union, Local 383, attempted to unionize 922 Navajo workers (of a total of 950 workers) at the Fairchild Camera and Instrument Corporation in Shiprock, New Mexico, by holding a vote to decide if workers desired union membership.[41] According to Councilman Drake, Navajo workers rejected union membership on the grounds that (1) union wages would not be appreciably higher than non-union wages; (2) workers were hesitant about paying union dues and initiation fees; (3) workers believed that union membership at on-Reservation jobs might deny them access to jobs off the Reservation (this fear is generated by the erroneous belief that unions would punish Navajos for obtaining jobs, because of Navajo preference on or near the Navajo Reservation, and that distant off-Reservation jobs would be closed to Navajos); (4) Navajo workers also believed that union membership might entail leaving the Reservation, and they did not wish to leave; (5) Navajo reluctance to join the union also stemmed from the belief that union membership would liberalize recruitment, and that outsiders might obtain jobs Navajos should have. Councilman Drake did not report the distribution of votes on union membership, but had Navajos voted to join the Laborers Union, union membership would have increased significantly on the Navajo Nation. (In 1975 the Fairchild Corporation ceased its operations at the Shiprock plant following a labor dispute over Navajo dismissals.)

In summary, the present study and interviews with union representatives show that Navajo participation in labor unions is rapidly increasing. The acceleration has been caused by the enormous new industrial developments in the Lake Powell, Black Mesa, and Four Corners areas of the Navajo Reservation. In addition, the Navajo men who established the Navajo Construction Workers Association, DNA attorneys, the Navajo Tribal Council which established the Office of Navajo Labor

Relations, the Civil Rights Act of 1964, and the cooperative efforts of unions and companies have all resulted in increased unionization.

The Office of Navajo Labor Relations has broadened its program to include close contact with all unions that have members on and near the Navajo Reservation. Presently, the ONLR works with the following unions and union locals:

Carpenters Union, Local 1100, Flagstaff and McNary, Arizona
International Brotherhood of Electrical Workers, Local 2148, Flagstaff, Arizona
Iron Workers, Local 75, Phoenix, Arizona
Laborers Union, Locals 383 and 16, Flagstaff, Arizona; Phoenix, Arizona; Farmington, New Mexico
Millwrights and Carpenters, Local 1319, Farmington, New Mexico
Operating Engineers International Union, Local 428, Phoenix, Arizona
Pipefitters Union, Local 412, Farmington, New Mexico
Sheet Metal Workers, Local 49, Albuquerque, New Mexico
Welders Union, Local 469, Phoenix, Arizona

Four ONLR compliance officers work with these union locals in negotiating enforcement of ONLR manpower guidelines and requirements. Title VII of the 1964 Civil Rights Act demands that Indian job preference applies not only to on-Reservation businesses, but it also calls for Indian preference at jobs near Indian Reservations. The Act gives the Navajo work force added leverage in bargaining for employment off the Reservation. Since "near" has been interpreted as designating job sites within a day's drive (round-trip) of a Reservation border, the ONLR has moved swiftly to establish strong ties with union locals in border towns in more distant cities if border-town locals are not available.

The ONLR is engaged in preliminary labor negotiations with companies and unions involved in the future construction of the 1,100-megawatt Coronado Generating Station which will be located off the Navajo Reservation in St. Johns, Arizona, but which will be within a day's drive of the Navajo Reservation and several other Indian reservations.

ONLR compliance officers report that cooperation from union locals is excellent. The AFL-CIO recently ordered all locals near the Navajo Reservation to cooperate fully in enforcing Navajo preference. This order aided the ONLR in its quest for new jobs for the Navajo work force.[43]

NAVAJO MEMBERSHIP IN UNIONS

The total number of Navajo members of labor unions is very difficult to assess because the numbers fluctuate and because some union locals do not keep precise records of Navajo membership as distinguished from other members. The author's estimates of Navajo membership in the several Flagstaff locals and in unions at the Black Mesa and Utah International mines are summarized in Table 1. In this sample of union locals and mines, the total number of unionized Navajos is 742; this total accounts for nearly 5 percent of the

Table 1: Navajo Union Membership from a Sample of Four Locals and Three Coal Mines: 1972, 1974

Union Local	Navajo Membership	Total Members	Percent Navajo
Laborers Union, Local 383, Flagstaff, Arizona	250 (approximately)	750	33
[a]United Mine Workers, Black Mesa Mines (two mines)	189	250	70
Operating Engineers, Local 428, Phoenix, Arizona, Utah International Mine (Four Corners)	128	180	70
Carpenters Union, Local 1100, Flagstaff, Arizona	65	350	19
Electrical Workers Union, Local 2148, Flagstaff, Arizona	20	62	32
International Brotherhood of Teamsters, Local 83, Flagstaff, Arizona	90	(unknown)	(unknown)
Total	742	1,612	46 (average percentage of Navajo members)

[a]The figures given for Navajo mine workers are based on the total number of mine workers, approximately 70 of whom are Navajos. All Navajo mine workers at the Black Mesa mines are members of the United Mine Workers, and all are organized locally. The figures for mine workers were collected in 1974; other union data were collected in 1972.

16,000 Navajos who hold full-time jobs on the Navajo Reservation.

Only 1,607 Navajos are employed in jobs that, in the author's view, could be unionized. These 1,607 Navajos were employed in the following sectors of the Navajo economy:[44]

Manufacturing and Processing	928
Mineral Resources	485
Utilities	194
Total	1,607

The 1,607 Navajos working in manufacturing and processing, mineral industries, and utilities include seasonal and permanent job-holders. It is assumed that most of the jobs are full-time because of the types of industries involved. Thus the sample of union members totalling 742 yields a figure of 46 percent of the Navajo labor force in the three sectors of the economy listed above (742 of 1,607). The sample does not include all union locals; no figures were obtained from Farmington or Albuquerque locals, and some of the Phoenix locals are absent from the sample. Union membership obviously is higher than can be reported from the data available from the research reported here. Navajo union membership in those sectors of the Navajo economy that are subject to unionization of the labor force is relatively high. Since ONLR has recently entered the arena of union negotiations, a rise is anticipated in union representation among those employed in manufacturing, processing, mineral resources, and utilities.

Unionized jobs are associated with relatively high earnings. In our sample of more than 300 households in the Page-LeChee, Black Mesa-Kayenta, and Tuba City-Redlake areas, 107 unionized workers and 145 non-union wage earners were contacted. Comparisons were made between wages earned by unionized and non-unionized employees. Unionized workers received over $12,000 per annum, while non-unionized workers earned slightly over $6,000 per year. Unionized jobs obviously pay higher wages, yet not all Navajos working at these relatively high-paying jobs are unionized. We found that 33 Navajos worked at unionized jobs, but had not joined unions at the time of our interviews.

The Navajo economy is underdeveloped.[45] In the employed labor force, 29.3 percent (7,287) of those Navajos with part-time or full-time jobs are employed in government service and 34.1 percent (8,464) are engaged in animal husbandry.[46] In spite of the underdeveloped nature of the Navajo economy, the Navajo Nation and unions can be credited with rapid unionization of a very significant portion of those workers who are eligible for union jobs in industries operating on and near the Navajo Reservation.

CONCLUSIONS

We have seen that until very recently Navajo participation in and cooperation with labor unions were resisted by both the Navajo workers and the Navajo Tribal Council. This resistance eventually resulted in a U.S. Court of Appeals case which concerned the Navajo Nation's efforts to block a union election on the Navajo Reservation. Beginning with some efforts by the administration of Raymond Nakai (1963-1969), Navajo membership in unions has steadily been increased, although the impetus for accelerated membership did not begin until the early 1970s when industrial developments in the Lake Powell-Black Mesa areas began. Further impetus was provided by dissident Navajo workers

who registered serious charges of discrimination at the Navajo Project. Worker persistence in correcting these grievances led to the establishment of the Navajo Construction Workers Association which now has a Reservation-wide membership of between 2,200 and 2,500 Navajo workers.

Worker grievances and subsequent action taken by the Navajo Tribal Council and the Navajo legal aid agency (DNA) led to the establishment of the Office of Navajo Labor Relations whose enforcement powers rest essentially in Title VII of the Civil Rights Act, which demands preferential hiring of Indians on or near Indian reservations.

The ONLR has since prepared manpower requirements and guidelines which are incorporated into leases negotiated between the Navajo Nation and businesses. The ONLR has established good working relations with unions and has received full cooperation from the AFL-CIO in the enforcement of Navajo preference. The ONLR has overcome major obstacles, but still faces several more, for example in its continued negotiations with the Salt River Project and the Bechtel Corporation, and in efforts to improve the skills of the Navajo work force.

Some unionized non-Navajo workers protested Navajo preference at the Navajo Project near Page, Arizona, by staging a brief wildcat strike in 1972. Our contacts with union representatives, however, indicate a growing acceptance of and full cooperation with Navajo preference. Non-Navajo resistance to Navajo preference has all but disappeared.

Union representatives, while registering some reservations about Navajo work habits and performance, believe generally that Navajos are making rapid progress in holding jobs and in realizing the benefits of union membership. Unionized Navajo workers have high earnings which are twice those of non-unionized Navajo wage-earners in a sample of more than 107 unionized workers and 145 non-union workers in the Page-LeChee, Kayenta-Black Mesa, and Tuba City-Red Lake areas of the Navajo Reservation. Fifty-seven percent of the unionized workers expressed satisfaction with their jobs.

Navajo participation in unions is likely to increase in the near future, especially in the Four Corners area. Already Navajo membership in unions is relatively high in sectors of the Navajo economy in which union membership is possible. Dissident Navajo workers at the Navajo Project spearheaded the creation of the ONLR which in turn has formulated enforceable interpretations of the provisions of the 1964 Civil Rights Act calling for preferential hiring of Indians. The Navajo Nation has set a precedent for tribes that have yet to achieve effective action in their labor relations.

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FOOTNOTES

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